

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
March 1, 2011

The City Council convened in Regular Session on Tuesday, March 1, 2011, at 7:00 p.m. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Michael Klinghammer, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Laurie Feldman, Bob Kneemiller, Larry Muench, Bridget Ohmes, Jerry Reese, Ron Stivison, Richard Veit, and Michael Weller. Absent: None. Training City Clerk Laura L. Whitehead was present and performed the duties of that office.

File #47527

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

PUBLIC HEARINGS/ADMINISTRATIVE HEARINGS

The President of the Council Michael Klinghammer announced that the following Public Hearings would now be held. At the conclusion of the hearings, the Regular Session continued with the order of business:

- A. Community Development Block Grant Program - Review of the Draft Consolidated Annual Performance and Evaluation Report, (CAPER), of Activities and Expenditures for the FY10 CDBG Allocation for the Program Year Beginning on January 1, 2010 and Ending on December 31, 2010 (*RCA Attached*)
- B. Case No. Z-02-11. (Musler Engineering Co. - Lindenwood University). An application to rezone 1.14 acres of land (4 parcels) known as 432 and 444 Karen Street and two lots on Charbo Street from R-1E Single-Family Residential District to O-I Office Institution District. The subject properties are located within Ward 9. (*Council Bill 10437*)
- C. Case No. Z-03-11. An application to rezone all lots located within 370 Corporate Center Plat One and 370 Corporate Center Plat Two from OBP Office Business District to PD-I Planned Development-Industrial District. The properties are located on Corporate Hills Drive, Corporate Hills Drive South, Corporate Hills Drive North and Little Hills Expressway. The area to be rezoned is approximately 43 acres and located within Ward 1. (*Council Bill 10439*)
- D. Case No. DR-03-11. An application to amend Chapter 156: Zoning Code of the Code of Ordinances of the City of St. Charles, Missouri, by amending Section 156.030(E)(5) Office Institution District to increase the maximum height of buildings constructed on a campus of an institution of higher learning. (*Council Bill 10435*)
- E. Case No. CU-06-11. (St. Charles Engineering & Surveying – Humane Society). An application for a Conditional Use Permit from §156.032(C)(1)(i) for Pet Adoption Centers within the C-1 Neighborhood Business District, specifically to permit a new 3,686 sq. ft. structure at 1099 Pralle Lane. The subject property is 4.52 acres and is located in Ward 3. (*RCA Attached*)

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- F. Case No. CU-08-11. (Krystal Rapp). An application for a Conditional Use Permit from §156.094(C) for a Temporary Retail Sales Use within the C-2 General Business District, specifically to operate an outdoor produce stand at 920 South Fifth Street. This request is to continue operating the previously approved stand for an extended period of time. The subject property is 0.46 acres and is located in Ward 2. *(RCA Attached)*
- G. Case No. CU-09-11. (Porlier Outdoor Advertising). An application for a Conditional Use Permit from §156.743(K) for an I-70 Electronic Billboard Relocation, specifically to permit the construction of a digital and static (2-sided) billboard at 711 Veterans Memorial Parkway within the PD-C Planned Development-Commercial District. The subject property is 3.16 acres and is located in Ward 3. *(RCA Attached)*
- H. Case No. DR-04-11. An application to amend Chapter 156: Zoning Code of the Code of Ordinances of the City of St. Charles, Missouri, by amending Section 156.762 Nonconforming Signs to remove the requirement that nonconforming signs be brought into compliance with the sign code by July 10, 2012. *(Council Bill 10436)*

RESOLUTION

A Resolution in Support of Senate Bill 174 and House Bill 369 of the 96th General Assembly of the State of Missouri Providing For the Enactment of a Statute That Provides for Voters to Adopt a Residential Water Line Repair Program *(Sponsors: All Members of the City Council)*

Passed “Aye”: Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Weller and Beckering.

“Nay”: None

Absent: Feldman

Approved by the Honorable Mayor on March 4, 2011, and is known as **Resolution R11-06**

BILLS FOR FINAL PASSAGE

Bill 10367 (Referred to Work Session of March 8, 2011)

An Ordinance Amending Chapter 36 of the Code of Ordinances of the City of St. Charles, Missouri by Creating a New Section to be Known as Section 36.20 Pertaining to Mandatory Vacation Leave for Certain Employees *(Sponsor: Bob Kneemiller)*

Council Bill 10367 was referred to the March 8, 2011, Council Work Session.

Bill 10398 (Tabled and Referred to the Work Session of April 12, 2011)

An Ordinance Repealing Administrative Regulation 2.3.3, Version 4; Approving Administrative Regulation 2.3.3, Version 5, Regarding Medical, Dental and Vision Benefits for Employees with Certain Minimum Years of Service who Start City Employment Before January 1, 2011; Establishing a Range of Benefits for Non-Medicare Eligible Retirees Based on the Retiree’s Years of Service Ranging from \$400/Month for a Retiree with Twenty (20) Years of Service to \$450/Month for a Retiree with Thirty (30)

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or More Years of Service; Establishing a Benefit for a Retiree's Non-Medicare Eligible Spouse of \$230/Month Before Retiree is Medicare Eligible and \$200/Month After the Retiree is Medicare Eligible; Establishing That, Upon Becoming Medicare Eligible, Those Employees Retiring Before February 2, 2012 Shall Receive Up To \$125/Month To Defray Cost of Purchasing a Medicare Supplement; and Establishing an Effective Date For Version 5 of Administrative Regulation 2.3.3 (*Sponsor: Michael Klinghammer*)

A motion was made by MICHAEL KLINGHAMMER to table Council Bill 10398 and refer to the April 12, 2011, Council Work Session for discussion; and to refer Council Bill 10398 to the May 17, 2011, Regular Council Meeting. DAVE BECKERING seconded the motion. All voted in favor, motion passed.

Bill 10413 (*Substitute Bill No. 2*)

An Ordinance Amending Chapters 96 and 156 of the Code of Ordinances of the City of St. Charles by Repealing Section 96.08 Pertaining to Restrictions Against Tattooing and Amending Section 156.006 to Include a Definition of Tattooing, Body Piercing or Branding Establishments, Section 156.033 to Include Tattooing, Body Piercing and Branding Establishments as a Conditional Use in the C-2 General Business Zoning District, and Section 156.068 to Specifically Exclude Tattooing, Body Piercing and Branding Establishments as a Use in the Historic Downtown District for Properties Which Front on North and South Main Street (*Sponsors: Richard Veit and Dave Beckering*)

Councilmember Bridget Ohmes requested a roll call vote on Council Bill 10413. Discussion was held relative to the conditional use process required to approve a tattooing, body piercing or branding establishment as provided in Council Bill 10413.

Failed "Aye": Veit, Weller, Beckering, and Feldman.
 "Nay": Kneemiller, Muench, Ohmes, Reese, Stivison, and Klinghammer.
 Absent: None

Council Bill 10413 failed passage.
File #47571

Bill 10419 (*Withdrawn*)

An Ordinance Authorizing the Submittal of Four (4) Grant Applications with East West Gateway Coordinating Council for the FY 2012-2015 Transportation Improvement Program for North Fairgrounds Road; Boschertown Road Reconstruction – Phase 2; Truman Road Rehabilitation and South River Road / Friedens Road Lighting, and to Sign all Necessary Documents to Accept and Receive Said Grants (*Sponsors: All Members of the City Council*)

A motion was made by LARRY MUENCH to withdraw Council Bill 10419 from consideration. DAVE BECKERING seconded the motion. All voted in favor, motion passed.
File #47572

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Passed “Aye”: Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit,
Weller, Beckering, and Feldman
“Nay”: None
Absent: None

Approved by the Honorable Mayor on March 4, 2011, and is known as **Ordinance 11-36**

Bill 10430

An Ordinance Approving a Revision to the Green Point Rating System Guide Pursuant to Section 156.190(C) of the Code of Ordinances of the City of St. Charles (*Sponsor: Bob Kneemiller*)

Passed “Aye”: Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit,
 Weller, Beckering, and Feldman
 “Nay”: None
 Absent: None

Approved by the Honorable Mayor on March 4, 2011, and is known as **Ordinance 11-37**

BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 10431

An Ordinance Authorizing a Settlement and Release Agreement Between the City of St. Charles and MB Properties, Inc., Regarding a Contract for Cooperation as to Development in a not to Exceed Amount of \$700,000 (*Sponsor: Michael Klinghammer*)

Bill 10432

An Ordinance Amending Schedule II, Subsection (A) of Chapter 78 of the Code of Ordinances by Establishing Parking Restrictions on the West Side of Duchesne Drive from St. Robert Lane North 100 Feet (*Sponsor: Dave Beckering*)

Councilmembers Jerry Reese, Michael Klinghammer, Larry Muench, Bridget Ohmes, and Ron Stivison requested that they be added as sponsors.

Bill 10433

An Ordinance Authorizing Supplemental Agreement No. 3 the Engineering Services Contract with PB Americas, Inc. for the Design of the Boschertown Road Phase One Reconstruction Project in an Amount of ~~\$131,873.69~~, \$131,088.65 for a Total Amount Not to Exceed ~~\$412,540.18~~ \$411,755.14 (*Sponsor: Michael Klinghammer*)

Bill 10434

An Ordinance Authorizing the Appropriation of Not To Exceed \$1,100,000 for the Purpose of Defeating a Portion of the General Obligation Refunding Bonds, Series 2006, of the City of St. Charles, Missouri, and Authorizing Certain Other Documents and Actions in Connection With the Defeasance of Said Bonds (*Sponsor: Michael Klinghammer*)

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Bill 10435 (*Amended Prior to Introduction*)

An Ordinance Amending Chapter 156 of the Code of Ordinances of the City of St. Charles by Amending Section 156.030 With Regard to the Maximum Height of Buildings within the O-I Office Institution District (*Sponsor: Ron Stivison*)

A motion was made by RICHARD VEIT to amend Council Bill 10435 prior to introduction to change in the ordinance language the requirement of an additional five (5) feet of building setback for each additional story in excess of 2 ½ stories. LARRY MUENCH seconded the motion. All voted in favor, motion passed.

Bill 10436

An Ordinance Amending Chapter 156 of the Code of Ordinances of the City of St. Charles by Amending Section 156.762 Pertaining to Nonconforming Signs (*Sponsor: Richard Veit*)

Bill 10437

An Ordinance Rezoning to Zoning District O-I (Office Institution District) from Zoning District R-1E (Single-Family Residential District), 1.14 Acres (4 Parcels) of Land Located at 432 and 444 Karen Street and Two Lots on Charbo Street (*Sponsor: Ron Stivison*)

Bill 10438

An Ordinance Authorizing a Contract with Oates Associates for Completion of Phase One of the ADA Transition Plan for Pedestrian Facilities Owned by the City of St. Charles in an Amount Not to Exceed \$136,715 (*Sponsors: Jerry Reese, Michael Klinghammer, Larry Muench, Bridget Ohmes, Ron Stivison*)

Councilmember Laurie Feldman requested that she be added as a sponsor.

Bill 10439

An Ordinance Rezoning to Zoning District PD-I (Planned Development-Industrial District) from Zoning District OBP (Office Business District), All Lots Located Within 370 Corporate Center Plat One and 370 Corporate Center Plat Two (*Sponsor: Richard Veit*)

Bill 10440

An Ordinance Approving the Record Plat for Pralle Lane Commercial, a Subdivision of the City of St. Charles, Missouri (*Sponsor: Laurie Feldman*)

Bill 10441

An Ordinance Authorizing an Intergovernmental Agreement with the United States Drug Enforcement Administration (DEA) and Organized Crime Drug Enforcement Task Forces (OCDETF) for Reimbursement of Overtime Expenses Related to Work on a Joint Operation with DEA (*Sponsor: Michael Klinghammer*)

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Bill 10442

An Ordinance Authorizing an Engineering Services Contract with Crawford, Bunte, Brammeier to Provide the Fifth Street Corridor Study in an Amount Not to Exceed \$119,000.00 (*Sponsor: Larry Muench*)

Councilmember Bob Kneemiller requested additional information relative to the 3D modeling option included in the study. City Engineer Kevin Corwin stated that the 3D modeling cost is an option that could be included in the study; however, excluding this option will not have an adverse impact of the study. Discussion was held relative the 3D modeling option benefiting the redevelopment area for the SSM St. Joseph Health Center Campus Project; and location of funding source for the additional cost of the 3D modeling option. Council President Michael Klinghammer requested Administration to contact SSM to discuss the 3D modeling option; and report the decision prior to passage of Council Bill 10442.

CONSENT AGENDA

Councilmember Bob Kneemiller removed *Item 10.G.2.a. & c. Approval of Arts and Culture Commission Expenditures* from the Consent Agenda.

A motion was made by DAVE BECKERING to approve the balance of the Consent Agenda. LARRY MUENCH seconded the motion. A roll call vote was taken, with the following results: "Aye": Reese, Stivison, Veit, Weller, Beckering, Feldman, Klinghammer, Kneemiller, Muench, and Ohmes. "Nay": None. Absent: None. Motion passed.

- A. Approval of Council Minutes
 - 1. Regular Council Meeting of February 15, 2011

- B. Approval of Council Committee Reports
 - 1. Approval of Council Committee Minutes
 - a. Council Work Session of January 25, 2011
File #47558
 - b. Council Work Session of February 8, 2011
File #47558
 - 2. Approval of Council Committee Motions/Actions/Recommendations
 - a. Council Work Session of January 25, 2011 (*none*)
 - b. Council Work Session of February 8, 2011 (*none*)
- C. Receipt of Reports from Boards, Commissions or Committees
 - 1. Board of Public Works Meeting of January 13, 2011
 - a. Motion to Recommend the Acquisition of the Necessary Easements for the Little Hills Industrial Storm Sewer Project
 - b. Motion to Recommend Vacation of the Easement Between Lots 3 and 4, Also Between Lots 4 and 5 of the Manors of Wynnebrooke Subdivision
 - c. Motion to Recommend a Contract with KCI Construction Company for the Construction of the Boschertown Lift Station and

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Lagoon Closure Project in an Amount Not to Exceed
\$3,645,000.00

- d. Motion to Recommend a Contract with Pipe Works Utilities, Inc. for the Construction of the Boschertown Force Main Project in an Amount Not to Exceed \$1,489,881.56
- e. Motion to Recommend Negotiating and Entering Into a Contract with Schulte Supply, Inc. to Provide Neptune AMR Meters and System Components; and Recommend Hiring Four (4) Temporary Part-Time Employees for a Two (2) Year Period to Install ¾" and 1" Residential Meters

File#47573

- 2. Human Relations Commission Meeting of January 6, 2011
 - a. Motion to Accept the Recommendations of the Nominations Committee as follows: Pamela Coaxum, Chair; Mary Harrison, Co-Chair; and Pat Porterfield, Secretary

File #47574

- 3. Veterans Commission Meeting of January 10, 2011

File #47575

- 4. Landmarks Board Meeting of January 10, 2011

File #47576

- 5. Beautification Commission Meeting of January 5, 2011

File#47577

- 6. Arts and Culture Commission Meeting of November 29, 2010
 - a. Motion to Approve the Following Grant Funding:
 - i. Riverside Shakespeare Theatre Company Halloween 2011 \$1500
 - ii. Riverside Shakespeare Theatre Company June 2011 - \$17,000
 - iii. Riverside Shakespeare Theatre Company February 2011 - \$1000
 - iv. Foundry Art Centre MFA Exhibit 2011 - \$5,000
 - v. St. Charles Municipal Band 2011 - \$9,523.07
 - vi. St. Charles Riverfront Arts Spring Artwalk - \$5,000
 - vii. St. Charles Plein Air Paint Out - \$3,000

Councilmember Jerry Reese expressed concern relative to the amount of funding Riverside Shakespeare Theatre Company has received for the 2011 events. Discussion was held relative to the process of Arts & Culture Commissions' Approval of Expenditures being approved by Councilmembers prior to the approval of the Arts & Culture meeting minutes. A suggestion was made that no contracts shall be awarded until the minutes from commission meetings have been approved. Mayor Patricia M. York recommended changing the title on the consent agenda from Approval of Commissions Expenditures to Recommended Expenditures from Commissions. Councilmember Bob Kneemiller requested future Arts & Culture Commission

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budget spreadsheets be sent out separately in the form of paper rather than included in the electronic version of the agenda packet.

- b. Motion to Receive Final Accounting and Approve Final Payment for the Following Grants:
 - i. Riverside Shakespeare Theatre Company 2010

File #47317

- D. Receipt of Reports of the Director of Administration
 - 1. Notice of Emergency Purchases

File #47561

- E. Approval of Contracts and Easements from \$30,001 - \$99,999
 - None

- F. Preliminary Plats
 - None

- G. Miscellaneous
 - 1. Monthly Report on Requests for Intra-Departmental Transfer of Appropriations > \$10,000 – February 2011

File #47550

- 2. Approval of Arts and Culture Commission Expenditures
 - a. Patt Holt Singers & Dancers (11/11/11) - \$2,000

REMOVED FROM THE CONSENT AGENDA

- b. Missouri Tartan Days (April 8,9,10, 2011) - \$4,000
 - c. Flood Stage – White Christmas (Holiday Season) - \$4,000

REMOVED FROM THE CONSENT AGENDA

- d. St. Charles County Symphony - \$4,000
 - e. Missouri River Irish Fest - \$4,000
 - f. South Main Preservation Society - \$2,700
 - g. Crescendo - \$4,000
 - h. Mosaics - \$8,000

File #47541

- 3. Approval of Liquor License Application for James Dollard, d/b/a: The Lion's Den, located at 3721 Mexico Road.

REMOVED FROM THE CONSENT AGENDA

ITEMS REMOVED FROM THE CONSENT AGENDA

10.G.2.a. & c. Approval of Arts & Culture Commission Expenditures

Councilmember Bob Kneemiller requested that agenda Items 10.G.2.a. & c. Approval of Arts & Culture Commission Expenditures: Patt Holt Singers & Dancers (11/11/11) - \$2,000; and Flood Stage – White Christmas (Holiday Season) - \$4,000 be held. Councilmember Kneemiller

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expressed concern relative to sponsoring events that charge for admission; and requested a report from each applicant as to whether their event offers free admission or charges for admission.

G3 Approval of Liquor License Application for James Dollard, d/b/a: The Lion's Den, located at 3721 Mexico Road

City Attorney Michael Valenti announced *Item G3 Approval of Liquor License Application for James Dollard, d/b/a: The Lion's Den, located at 3721 Mexico Road* will not be issued until the ten day filing date is satisfied as per Section 115.22 (B)(3) of the Code of Ordinances; and according to the application date the ten days shall be satisfied on March 3, 2011.

A motion was made by JERRY REESE to approve the Liquor License Application for James Dollard, d/b/a: The Lion's Den, located at 3721 Mexico Road. RON STIVISON seconded the motion. A roll call vote was taken, with the following results: "Aye": Muench, Ohmes, Reese, Stivison, Veit, Weller, Beckering, Feldman, Klinghammer, and Kneemiller. "Nay": None. Absent: None. Motion passed.

File #47554

REPORT OF THE MAYOR

Appointments to Boards and Commissions

A motion was made by LARRY MUENCH to approve the following appointments to Boards and Commissions as presented by the Honorable Mayor Patricia M. York:

Building Board of Appeals: Re-appointment of Art Bergantz, David Moellering, Karl Leiber, and Art Ostmann for three-year terms ending in February, 2014; and

Economic Development Commission: Re-appointments of Hyatt Banger and Keith Schneider for three-year terms ending in February, 2014; and

Landmarks Board: Re-appointments of Andrew Fenton and James Devereux for three-year terms ending in February, 2014.

DAVE BECKERING seconded the motion. A roll call vote was taken, with the following results: "Aye": Stivison, Veit, Weller, Beckering, Feldman, Klinghammer, Kneemiller, Muench, Ohmes, and Reese. "Nay": None. Absent: None. Motion passed.

File #47544

Written and/or Verbal Messages from the Mayor

St. Charles Convention Center: The Honorable Patricia M. York announced the St. Charles Spring Home Show event will be held on April 8 – 10, 2011.

St. Charles Family Arena: The Honorable Patricia M. York announced the following events which will take place at the St. Charles Family Arena:

- *Missouri Valley Conference Women's Basketball:* March 15, 2011.

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- *Bad Boys of Arena Cross Championship:* March 3 & 4, 2011.
- *Moolah Circus:* March 17 – 20, 2011.

Missouri Municipal League Conference 2014: The Honorable Patricia M. York announced the City of St. Charles, Missouri, was selected to host the Missouri Municipal League Conference in 2014.

The Honorable Patricia M. York recommended www.historicstcharles.com to view the future events calendar.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Written and/or Verbal Messages from the Councilmembers

Shriners Parade: Councilmember Larry Muench reported that the Shirners Parade will be held this month; and in the past Riverside Drive has been closed for an excessive amount of time for this particular parade. Director of Administration Michael Spurgeon stated staff will investigate the timeframe of the road closure for the parade.

St. Charles County Amateur Sports Hall of Fame Banquet: Council Vice President Dave Beckering announced this event will be held on Saturday, March 19, 2011, at 5:30 p.m.; and to contact him by calling 636/949-2027 to reserve tickets.

Closed Session

A roll call vote was taken to reconvene into closed session relative to legal actions, causes of action, or litigation (RSMo 610.021.1); and leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2), with the following results: “Aye”: Veit, Weller, Beckering, Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, and Stivison. “Nay”: None. Absent: None. Motion passed.

The Open portion of the Regular Council Meeting was adjourned at 9:10 p.m.

Date Approved

City Clerk

Michael Klinghammer, Presiding Officer